

Vo, Hai

From: Morris, Terrel
Sent: Wednesday, February 26, 2003 3:47 PM
To: Vo, Hai
Subject: GS-12 Review

This reviewer has a point I've had difficulty expressing to you and had hoped atty replies would have gotten it across. I think what the reviewer says is better than what I've said to you in the past....

4) 10/026,501:

103 Rejections: The 103 of claims 20-21 & 25 is improper. It is not proper to say that because Applicant's have not shown a criticality, the claims are obvious. There is nothing in this rejection saying what the reference teaches, the differences and why it would be obvious to arrive at the claimed invention.

For Claims 1 & 3-6 & 8-14 the rejection casts a cloud over the patented claims used to reject the instant claims over ODP. The claims are pretty much the same as those that were patented and now the examiner is rejecting a set of claims that are of the same scope over art. If both the ODP and art rejections are proper then a director should have signed off on the action. (*I think we discussed this one before it was done and the answer from OPLA was as long as the scopes are different, no cloud is cast and no signature by the director is needed.*)

The 103 rej. of claims 9-10 and 20-21 in this rejection appears to be improper as stated above because the examiner has improperly shifted the burden to Applicants to show unobviousness.

Claim Objections: Claim 1, line 4, "complaint" should be "compliant".

*Terrel Morris
Supervisory Patent Examiner
Group Art Unit: 1771
(703) 308-2414*